

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX DIGITAL
GROUP, LLC; DAVID SCHAEFER; JORDAN
GREEN; JEFFREY CONWAY AND JAMES
MAY,

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.’S
UNOPPOSED MOTION TO SEAL**

NOTE ON MOTION CALENDAR:
November 9, 2023

At the request of Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively, “Defendants”), Plaintiff Bungie, Inc. (“Bungie”), pursuant to LCR 5(g) and the Stipulated Protective Order entered by the Court in this matter (Dkt. No. 60), hereby moves to file under seal Appendix C to the Proposed Pretrial Order and the associated video files to be filed physically with the Court.

A party may file a document under seal without prior court approval “[i]f the party files a motion or stipulated motion to seal the document . . . at the same time the party files the sealed document.” LCR 5(g)(2)(B). The contemporaneous motion must include a certification that the parties met and conferred about the need to file the document under seal, the ability to minimize the material filed under seal, and the possibility of exploring alternatives to filing under seal. LCR

PLAINTIFF’S MOT. TO FILE UNDER SEAL
(No. 2:21-cv-811) – 1

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1 5(g)(3)(A). Where the parties have entered a stipulated protective order, a party wishing to file
2 confidential documents it obtained from another party in discovery may file a motion to seal but
3 need not provide a specific statement of the applicable legal standard and the reasons for keeping
4 a document under seal. LCR 5(g)(3)(B).

5 Here, Bungie intends to file under seal excerpts of deposition transcripts from Defendants
6 that Bungie has designated for use at trial that were taken in the parallel JAMS arbitration
7 proceeding between the same parties and which were designated in their entirety as Confidential
8 by Defendants, as well as the video deposition files associated with these excerpts. Bungie has an
9 obligation to maintain the confidentiality of this information under the stipulated protective order
10 in this case and the virtually identical order in the arbitration proceeding.

11 On November 9, 2023, Bungie's counsel notified counsel for Defendants via email of its
12 intent to file Appendix C in connection with the Proposed Pretrial Order, including the specific
13 portions of the deposition testimony to be cited, and asked Defendants to confirm whether they
14 intended to maintain their confidentiality designations over those portions of the transcripts.
15 Defendants' counsel stated that the excerpts are still confidential and did not provide a basis for
16 the confidential designations.

17 A proposed order accompanies this motion.

18 I certify that this memorandum contains 348 words, in compliance with the Local Civil
19 Rules.
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1 Dated: November 9, 2023

By: /s/Jacob P. Dini

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